



Legislative Bulletin.....June 6, 2007

Contents:

H.R. 2560 — Human Cloning Prohibition Act

Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: \$0

Effect on Revenue: \$0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 1

Total New Private Sector Mandates: 1

Number of Bills Without Committee Reports: 1

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 0

H.R. 2560 — Human Cloning Prohibition Act (*DeGette, D-CO*)

Order of Business: The bill is scheduled for consideration on Wednesday, June 6, 2007, under a motion to suspend the rules and pass the bill.

In the 108th Congress, an amendment to H.R. 534 (Human Cloning Prohibition Act of 2003) containing almost identical language failed by a vote of [174-231](#). The language in this amendment was identical to H.R. 801, a bill introduced by Rep. Greenwood in the 108th Congress.

Summary: H.R. 2560 would prohibit a cloned human embryo from being implanted in a uterus. While the bill states that it is unlawful “for any person to perform or attempt to perform human cloning,” it goes on to define “human cloning” as “the implantation of the product of human somatic cell nuclear transfer (SCNT) technology into a uterus or the functional equivalent of a uterus.” The bill also includes the following provisions and definitions:

- Prohibits any person from shipping, mailing, transporting, or receiving the product of human SCNT technology knowing that such product is for the purpose of cloning a human embryo **and** implanting he or she in a uterus. (emphasis added).
- Defines “human somatic cell nuclear transfer technology” as “transferring the nuclear material of a human somatic cell into an egg cell from which the nuclear material has been removed or rendered inert.”
- Defines “person” to include a government entity, regarding the prohibited activity.
- Provides for up to a 10 year prison term, a fine, or both for violations of this Act.
- Provides for a civil penalty of up to \$10 million or “an amount equal to the amount of any gross pecuniary gain derived from such violation multiplied by 2” for violations of this Act. In other words, a civil penalty could be up to twice the amount of the profit gained from creating a cloned human **and** then implanting it in a uterus.
- States that any property derived from or used to commit a violation under this Act may be subject to forfeiture to the U.S. Thus, under this provision, it appears that a cloned human that is illegally implanted in the uterus of a woman would be the property of the U.S. government.

Note: This bill does not prohibit human cloning. By defining “human cloning” so narrowly as to only include a cloned human that is actually implanted in a uterus (see definitions above), the net effect of the bill is to sanction the cloning of human embryos for destructive research purposes. **Thus, under this bill, it would still be legal to clone a human, just illegal to “grow” one in a woman’s womb. In effect, this bill is only a ban on pregnancy and live birth using a cloned human embryo.**

Additional Information: Canada, France, Germany, Italy and 22 other countries have all enacted comprehensive bans on human cloning, regardless of whether the cloned human embryo would be used for research or reproduction purposes.

In 2005, the United Nations passed a declaration (by a vote of 84-34) to “adopt all measures necessary to prohibit ***all forms of human cloning*** inasmuch as they are incompatible with human dignity and the protection of life.” (emphasis added).

By allowing cloned human embryos to be created, but prohibiting their implantation in the uterus and dubbing this later act “human cloning,” the bill’s authors are indirectly (and unintentionally) implying that a human life begins upon implantation. Thus, a human embryo in the womb at the earliest stage is a human being.

Possible Conservative Concerns: Conservatives will likely have numerous concerns and objections to this bill. Conservatives may be very concerned that bill represents the first time the U.S. federal government explicitly would allow the creation of cloned human embryos but *require* their destruction. Conservatives may be concerned that the forfeiture clause would have the effect of making cloned babies the property of the U.S. government. Conservatives may also be concerned that this bill may lead to the exploitation of women, since women’s eggs are required for human cloning and the process of egg donation can have serious side effects – including infertility and death, in certain rare cases. Conservatives may have concerns that this bill would make the United States human

cloning law one of the most liberal of all industrialized nations, and would be more liberal than the United Nations policy on human cloning.

Committee Action: H.R. 2560 was introduced on June 5, 2007, and referred to the Committee on Energy and Commerce, which took no official action.

Administration Policy: A Statement of Administration Policy (SAP) was issued on June 6th stating the President's strong opposition to H.R. 2560. The entire statement is as follows:

The President unequivocally opposes all forms of human cloning. The Administration is strongly opposed to any legislation that would prohibit human cloning for reproductive purposes but permit the creation of cloned embryos or development of human embryo farms for research, which would require the destruction of nascent human life. Thus, if legislation were presented to the President that permitted human embryos to be created, developed, and destroyed simply for research purposes, his senior advisors would recommend that he veto the bill.

In a statement released by the Administration regarding passage of H.R. 534 in the 108th Congress, the Administration also stated strong opposition to any measure that would permit human embryos to be created and then destroyed:

“The Administration is strongly opposed to any legislation that would prohibit human cloning for reproductive purposes but permit the creation of cloned embryos or development of human embryo farms for research, which would require the destruction of nascent human life. **Thus, the Administration would strongly oppose any substitute amendment that would permit human embryos to be created, developed, and destroyed solely for research purposes**” (emphasis added).

—Excerpt from OMB Statement of Administration Policy on the Human Cloning Prohibition Act (H.R. 534), February 26, 2003

Cost to Taxpayers: A CBO score of H.R. 2560 is unavailable, though the bill is not likely to have any spending implications.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, as noted above, the bill represents the first time the U.S. federal government explicitly would allow the creation of cloned human embryos but *require* their destruction.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Outside Organizations Opposing: This bill is being opposed by a variety of conservative and pro-family organizations, including, but not limited to:

- [AdvanceUSA](#)
- [Christian Coalition](#) *
- [Eagle Forum](#) *
- [Family Research Council](#) *

- [National Right to Life Committee](#) *
- [Traditional Values Coalition](#) *
- [U.S. Conference of Catholic Bishops](#)

** Including the vote in annual Congressional Scorecard*

Constitutional Authority: A committee report citing constitutional authority is unavailable.

House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

RSC Staff Contact: Derek V. Baker; derek.baker@mail.house.gov; 202-226-8585

###